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GENERAL ASSEMBLY
Fifty-second session
THE SITUATION IN THE
OCCUPIED TERRITORIES
OF CROATIA

SECURITY COUNCIL
Fifty-second year

Letter dated 14 February 1997 from the Permanent Representative of the Netherlands to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the statement issued on 4 February 1997 by the Presidency on behalf of the European Union on Eastern Slavonia, Croatia.

I should be grateful if you would have the text of this letter and its annex circulated as a document of the General Assembly, under the item entitled "The situation in the occupied territories of Croatia", and of the Security Council.

(Signed) N. H. BIEGMAN
Permanent Representative of the
Netherlands to the United Nations

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ANNEX

[Original: English and French]

Statement issued on 11 February 1997 by the Presidency of the European Union concerning Eastern Slavonia (Croatia)

The European Union has noted with satisfaction the statement of 31 January 1997 by the President of the United Nations Security Council welcoming the Croatian Government's letter of intent on achievement of the peaceful reintegration of Eastern Slavonia, Baranja and Western Sirmium into Croatia and emphasizing the importance of the holding of the elections to be organized by the Transitional Administration. Completion of the peaceful reintegration of Eastern Slavonia, Baranja and Western Sirmium and restoration of their multi-ethnic character is an important part of international efforts to maintain peace and stability in the former Yugoslavia.

The European Union endorses the view taken by the Security Council and the Transitional Administrator that the rights and guarantees listed in the Croatian Government's letter, if implemented in their entirety, represent a solid basis for holding elections at the same time as those in the rest of Croatia and allow substantial progress to be made towards achieving peaceful reintegration of the region. The European Union, like the Security Council, would emphasize that the holding and certification of elections, according to a decision by the Transitional Administration, within the envisaged timescale, will be possible only if the Croatian authorities respect their obligations. The European Union therefore calls upon the parties to cooperate fully in this process of peaceful reintegration.

In this context, the European Union also reaffirms the right of Serbian refugees from Croatia at present living in neighbouring countries to obtain citizenship, return safely and participate in future elections. Implementation of the commitments given by the Croatian Government during and after the mandate of the UNTAES is an essential factor for the future development of relations between the Republic of Croatia and the European Union.

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

SECURITY COUNCIL
Fifty-second year

Letter dated 14 February 1997 from the Permanent Representative of the Netherlands to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the statement issued on 13 February 1997 by the Presidency on behalf of the European Union on the eighth anniversary of the Iranian fatwa condemning Salman Rushdie.

I should be grateful if you would have the text of this letter and its annex circulated as a document of the General Assembly, under the item entitled "Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms", and of the Security Council.

(Signed) N. H. BIEGMAN
Permanent Representative of the
Netherlands to the United Nations

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ANNEX

[Original: English and French]

Statement issued on 13 February 1997 by the Presidency of the European Union on the eighth anniversary of the Iranian fatwa against Salman Rushdie

On the eighth anniversary of the publication of the fatwa condemning the British author Salman Rushdie to death and calling for his assassination, the European Union recalls and repeats the solemn affirmations it made on the anniversaries of the fatwa according to which the fatwa, decreed in defiance of the Universal Declaration of Human Rights and the principle of the sovereignty of States, in particular regarding the protection by the latter of their nationals, remains null and void.

The European Union deeply regrets the announced increase in the bounty offered to his assassins by a private Iranian organization. Following statements made yesterday by President Rafsanjani, the European Union calls on the Iranian Government to take appropriate steps against any initiative that might endanger ongoing efforts to reach a solution.

The European Union also expresses grave concern over the continuing threats to the life of individuals associated with the work of Mr. Rushdie.

The European Union will continue to take advantage of its critical dialogue with the Islamic Republic of Iran to defend fundamental rights and freedom of expression. Recalling the conclusions of the European Councils of Madrid in December 1995 and Florence in June 1996, the European Union renews its demands that the Islamic Republic of Iran abide by international law and calls upon the Iranian authorities to further efforts to obtain a satisfactory solution in respect of Salman Rushdie.

The Central and Eastern European countries associated with the European Union, the associated country Cyprus, and the European Free Trade Association countries members of the European Economic Area align themselves with this statement.

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REPORT OF THE SECRETARY-GENERAL ON THE SITUATION IN SOMALIA

I. INTRODUCTION

1. At informal consultations on 15 January 1997, the Security Council reviewed the situation in Somalia following a briefing by the Secretariat and in the light of documentation transmitted to it by the Minister for Foreign Affairs of Ethiopia (S/1997/17 of 8 January 1997). The latter documentation reproduced, inter alia, a Declaration of national pledges and commitments and a Solemn declaration, adopted on 3 January 1997 by the High-level Consultative Meeting of Somali Political Movements, held at Sodere, Ethiopia, at the initiative of the Government of Ethiopia.

2. Members of the Security Council welcomed the Sodere declarations as a positive step and expressed the hope that those Somali factions which had not attended the Meeting would soon join in the peace process. They noted with appreciation the peacemaking efforts of the Government of Ethiopia and, earlier, the Government of Kenya. In the hope of assisting those regional efforts, the Council requested the Secretary-General to consult countries in the region and to submit a report with recommendations on the role that, within its mandate, the United Nations, including the Council, could play in support of regional efforts for peace.

3. The present report is submitted pursuant to that request, and covers developments since the last report on the situation in Somalia submitted by my predecessor on 19 January 1996 (S/1996/42).

II. POLITICAL DEVELOPMENTS

4. Since that report, the United Nations Political Office for Somalia (UNPOS) has continued to follow political developments in Somalia and has, at every opportunity, encouraged Somali leaders to seek a negotiated settlement to their conflicts. Its staff has met all Somali political leaders, including Messrs. Hussein Aidid, Osman Atto and Ali Mahdi Mohamed, and representatives of Mr. Mohamed Ibrahim Egal. Relations between the United Nations and the group led formerly by General Aidid and now by Mr. Hussein Aidid have improved. The Office has also continued to share information and consult with representatives

of diplomatic missions, organizations and agencies based in Nairobi. Somali leaders, donor countries, neighbouring countries and other interested Member States have consulted with UNPOS or sought its assistance on different occasions.

A. The situation in Somalia

1. Mogadishu

5. In north Mogadishu, Mr. Ali Mahdi Mohamed, on 10 March 1996, was elected chairman of the United Somali Congress/Somali Salvation Alliance (USC/SSA), whose base is the Modulod sub-clan of the Hawiye clan. Prior to his election, the unity of the sub-clan had been put to a test in January 1996 when a rival group announced the creation of USC/north Mogadishu and claimed to represent the Modulod. That development, and a power struggle that ensued between Mr. Ali Mahdi Mohamed and the Islamic Sharia court, further disturbed the peace in north Mogadishu.

6. In south Mogadishu, the tension that had been building between the late General Aidid's forces and those of Mr. Osman Atto led to exchanges of fire in mid-March 1996 over control of the Merka port. The fighting, which subsided in Merka itself after elders intervened, continued in Mogadishu in April and caused the loss of many lives. Mr. Osman Atto took control of the compound in Mogadishu of the former United Nations Operation in Somalia (UNOSOM). He also entered into an alliance with Mr. Muse Sudi "Yallahow", a Modulod supporter of Mr. Ali Mahdi Mohamed in the Medina area of south Mogadishu.
Mr. Ali Mahdi Mohamed's militia attacked the Huriwa district in north Mogadishu which is inhabited by the Habr-Gedir sub-clan. There was also intense fighting for control of Balidogle airport about 60 miles south-west of Mogadishu, where militia loyal to General Aidid had been in control since the departure of UNOSOM. Though the joint forces of Mr. Ali Mahdi Mohamed, Mr. Osman Atto and another sub-clan briefly gained control of the airport, General Aidid's forces succeeded in recapturing it. Elders tried unsuccessfully to mediate in the conflicts.

7. On 1 August 1996, General Aidid died from injuries sustained during the fighting in Medina. Immediately after his burial, Mr. Ali Mahdi Mohamed called for a ceasefire and asked General Aidid's supporters to renounce their claim to have formed a government. He further proposed peace, unity and national reconciliation as essential conditions for the establishment of a new Somali government and appealed for international humanitarian assistance and national reconciliation. Mr. Osman Atto also declared a ceasefire and asked General Aidid's supporters not to appoint a successor. Colonel Abdullahi Yusuf of the Somali Salvation Democratic Front (SSDF) welcomed the unilateral ceasefire declarations by Messrs. Ali Mahdi Mohamed and Osman Atto and called on General Aidid's supporters to halt hostilities. However, the leaders of the Aidid group rejected the appeals and declared that they would continue with the policies of the late General's "government". Subsequently, Mr. Hussein Aidid, General Aidid's son, was selected to succeed to his father, whose policies he promised to pursue as "President" of Somalia.

8. On 9 August 1996, UNPOS and some representatives of diplomatic missions and organizations in Nairobi met to consult these developments. They concluded that conditions were still not favourable for a major initiative or a formal mission to Somalia by the international community. They agreed that neighbouring States and regional organizations, such as the Organization of African Unity (OAU), the Intergovernmental Authority on Development (IGAD), the League of Arab States (LAS) and the Organization of the Islamic Conference (OIC), as well as the United Nations, should first assess the evolving situation.

9. On 10 August, following skirmishes on 6 and 7 August in Medina and on the "green line" separating north and south Mogadishu, a major conflict erupted and continued intermittently until President Daniel arap Moi of Kenya succeeded in October in arranging a meeting between the principal leaders based in Mogadishu. The situation subsequently stayed calm until 13 December, when major conflict resumed in the Medina area. According to the International Committee of the Red Cross (ICRC), about 300 people were killed and over 1,000 wounded between then and 21 December. Intermittent fighting has continued since then.

2. The Bay and Bakool regions

10. In the Bay and Bakool regions, General Aidid captured Hoddur on 17 January, in addition to Baidoa. His forces have maintained control of these towns, despite repeated attacks by the Rahanwein Resistance Army (RRA), a local militia.

3. The Juba valley area

11. On 11 January 1996, the Habr-Gedir and Darod forces engaged in major fighting in the Juba valley area, with many casualties. Since then, however, Kismayo and the valley have been relatively peaceful except for occasional expressions of animosity between local clans and some spill-over effects of the conflict in Mogadishu.

4. The Gedo area

12. The Gedo region had been relatively peaceful until the events of 8 and 9 August 1996, when Ethiopian forces crossed the border into Somalia. The deputy chairman of the Somali National Front (SNF) protested against the Ethiopian action. The Government of Ethiopia stated that it had entered Somali territory for a limited operation in hot pursuit of "a multinational fundamentalist extremist group which has for some time been engaged in terrorist activities along the Ethiopian-Somali border and in other areas within Ethiopia".

5. The Hiran and Middle Shabelle regions

13. The Hiran and Middle Shabelle regions continue to enjoy relative peace in spite of reported cases of banditry. The Islamic Sharia court in the Middle Shabelle region is being revitalized.

6. North-east

14. The north-east from Galkayo to Bossaso, encompassing the Bari, Nugal and Mudug regions, remains peaceful. The creation of a 51-member regional parliament and council for the Bari region was announced on 19 April 1996. The parliament approved the appointment of a Governor and two Deputy Governors as administrative heads of the region. These three regions, of which Bari is the largest, are working towards the creation of a single administration as an interim measure pending the establishment of a national Government.

7. North-west

15. The north-west of Somalia has been relatively peaceful although there has been intermittent fighting between the forces of Mr. Egal and his opponents. His control had been actively challenged by the Gerhajis clan from late December 1995 until late March 1996. However, political efforts by Mr. Egal led to the surrender of some Gerhajis militia and their integration into his "army". Mr. Egal himself is currently functioning in a caretaker capacity while the Congress of Elders (Gurti) deliberates on arrangements for the governance of the region and on who should succeed him. Some opposition forces are reported to be boycotting the Gurti.

B. Peacemaking efforts

16. On 30 March 1996, Mr. Ali Mahdi Mohamed convened a meeting of the Somali Salvation Alliance in Mogadishu to address the issue of national reconciliation. The participants agreed to hold a reconciliation meeting to which all Somalis, including General Aidid and Mr. Egal, would be invited and to unite forces to fight all those who they believed were thwarting efforts towards peace. From 15 to 18 April 1996, Mr. Osman Atto's United Somali Congress/Somali National Alliance (USC/SNA) and four other factions met in Nairobi and suggested some general steps to instal a government in Somalia. Participants in both meetings called on the international community to assist the reconciliation process in Somalia and to support the decision of the majority of Somalis when the national reconciliation meeting took place.

17. On 30 April 1996, my predecessor met with some Somali leaders in Nairobi, at the latter's request. The group led by General Aidid was absent. The Secretary-General told them that he would continue to seek a peaceful settlement of the Somali crisis, in cooperation with the regional efforts by OAU, IGAD and others. He called on the Somali leaders to come up with new ideas on how to solve their problems. The Somali leaders thanked him for the assistance of the United Nations over the years and stated that they were working towards national reconciliation. They called for continued assistance by the international community, in particular OAU, IGAD, LAS, OIC, the European Union and the United Nations.

18. Following the Security Council's public debate on Somalia on 15 March 1996, the idea of a joint United Nations/OAU fact-finding mission gained support. The Secretary-General accordingly consulted the Secretary-General of OAU, who was agreeable. However, the two Secretaries-General concluded that developments in

Somalia were not conducive to a successful mission at that time, a conclusion which was subsequently endorsed by the Council of Ministers of OAU at Yaounde in June.

19. Other international organizations have been active in support of national reconciliation in Somalia. The European Union, acting through the Somali Unit of the European Commission, has sponsored two consultations among members of Somali civil society on decentralized political structures for Somalia.

20. In mid-August 1996, the Secretary-General of LAS called on Somali leaders to work towards a national reconciliation conference that LAS was willing to finance. That offer was given concrete form in early September when the President of Yemen invited Messrs. Ali Mahdi Mohamed, Osman Atto and Hussein Aidid to Sana'a for consultations. Mr. Hussein Aidid declined the invitation but Messrs. Ali Mahdi Mohamed and Osman Atto accepted it and reportedly reached an agreement on the method, venue and time for a reconciliation effort in Somalia. However, before the dialogue could be widened, other faction leaders, especially from the Darod clans, who apparently felt marginalized by the Sana'a meeting, dubbed its result as a "Hawiye agreement" and stated that they would not be part of it unless Messrs. Ali Mahdi Mohamed and Osman Atto committed themselves to the holding of a preparatory meeting in the north-east before any nationwide reconciliation meeting.

21. From 9 to 16 October 1996, President Moi succeeded in bringing together Messrs. Hussein Aidid, Osman Atto and Ali Mahdi Mohamed in Nairobi. In a statement issued at the end of that meeting (see annex I), those leaders asked President Moi to continue his mediation efforts and agreed to a cessation of hostilities throughout the country. They further called on the international community to assist Somalia to achieve peace, reconstruction and development.

22. The Nairobi meeting marked the first participation of the Aidid faction in a meeting with the Ali Mahdi Mohamed faction since the United Nations-brokered Nairobi declaration of March 1994. It was also the first reunion between the Aidid faction and that of Osman Atto since the latter broke away from General Aidid early in 1995.

23. It has long been recognized that conflicts within the sub-clans (especially Modulod, Habr Gedir, Hawadle and Murosade) of the Hawiye clan, to which Mr. Ali Mahdi Mohamed, Mr. Hussein Aidid and Mr. Osman Atto all belong, constitute a major obstacle to national reconciliation and settlement of the conflict in Mogadishu. If reconciliation between the Hawiye leaders could be brought about, prospects would be significantly improved both for reopening Mogadishu seaport and airport and for national reconciliation and the establishment of a broad-based government.

24. Implementation of the Nairobi statement of October 1996 has been adversely affected by the reluctance of Mr. Hussein Aidid to settle his differences with Mr. Osman Atto, whom he is said to hold responsible for the death of General Aidid and from whom he has sought to regain an enclave in south Mogadishu. Little progress was made in this regard, despite the mediation

efforts of General Galal, an individual respected and considered neutral by those concerned.

25. In the second half of October, Ethiopia, which has a mandate from both OAU and IGAD to assist in the search for peace in Somalia, succeeded in bringing together 27 Somali leaders, representing 26 political factions, in Addis Ababa and later in Sodere, a nearby resort. This culminated on 3 January 1997 in the adoption by the High-level Consultative Meeting of Somali Political Movements of a Declaration of national pledges and commitments and a Solemn declaration. The two declarations were signed by all 27 Somali leaders but neither Mr. Hussein Aidid nor Mr. Egal participated in the meeting.

26. The Sodere declarations set up a National Salvation Council of 41 members selected from the 26 factions represented at the meeting. Included in it were 11 National Executive Committee members and a five-member Co-Chairmanship to act on the Council's behalf. The declarations also included an agreement to convene a National Reconciliation Conference at Bossaso at a later time. Meanwhile, the National Salvation Council is to prepare the setting up of a Transitional Central Authority or a Provisional Central Government. A Transitional National Charter, also to be prepared by the Council, is to be approved by the National Reconciliation Conference, which is to be followed by a Concluding National Conference at which the international community would be represented. In the declarations, the Somali leaders stated that they are now ready to give priority to the national interest as opposed to the realization of individual ambitions. They also called on the international community to assist Somalia.

27. Mr. Hussein Aidid, however, has rejected the outcome of the Sodere meeting. Citing Ethiopia's incursion into Somalia and the alleged supply of arms by Ethiopia to some of the opposing factions, charges which are rejected as baseless by Ethiopia, he has claimed that Ethiopia is not fit to broker peace among Somalis. He has also pointed out that the Nairobi declaration of March 1994 stipulated that all future agreements should be reached inside Somalia, and he has questioned the legitimacy of some of the factions or movements which participated in the Sodere meeting, claiming that most of the "genuine" Somali factions, meeting in Mogadishu in June 1995, had set up a "government" which all the factions were welcome to join.

28. Since the adoption of the Sodere declarations, Member States and international organizations accredited to Somalia but temporarily based in Nairobi (which is the case for almost all of them), have held three meetings facilitated by the United Nations Political Office for Somalia to assess the declarations. They considered them to be an important development and expressed the hope that Messrs. Aidid and Egal could be persuaded to join the process. At one of those meetings, the participants were briefed on an effort by Italy's Special Envoy for Somalia, Ambassador Giuseppe Cassini, who on 20 January 1997 had successfully arranged a meeting between Messrs. Ali Mahdi Mohamed and Hussein Aidid on the "green line" in Mogadishu, the first meeting between the leaders of the two Hawiye groups inside Somalia since 1992. It was agreed to set up a joint committee to look into the removal of road blocks and the "green line", the establishment of a joint municipal police force and the reopening of the Mogadishu seaport and airport. All the parties to the Nairobi statement have nominated representatives to that committee, but it has not been able to

meet because Mr. Hussein Aidid has not agreed to the participation of representatives of Mr. Osman Atto as demanded by Mr. Ali Mahdi Mohamed.

III. UNITED NATIONS HUMANITARIAN RELIEF AND REHABILITATION ASSISTANCE TO SOMALIA

29. The United Nations agencies have continued to monitor the situation throughout Somalia, adapting assistance for the markedly different needs and operating environments of each region. The political and economic landscape in Somalia presents three regional trends and problems. There are zones experiencing crisis, which are caught in a vortex of collapsed and disputed political authority, sporadic conflict, an economy of plunder and population displacement, all of which create conditions ripe for renewed humanitarian crisis. By contrast, in the zones of recovery, economic activity is reviving and nascent regional and interregional polities are emerging to provide their communities with a modicum of stability, security, basic services and governance. Outside of the zones experiencing crisis and recovery are others which are in transition. Those areas, which account for most of Somalia, are experiencing some level of governance, security, stability and economic activity but they remain highly susceptible to setbacks if they do not receive assistance. In addition to maintaining, to the extent possible, effective responses in crisis areas, and building on local crisis prevention capacities in areas of recovery, the United Nations agencies believe that if minimal rehabilitation activities are undertaken in the zones of transition, those zones will have a better chance of moving permanently into recovery. The conditions in the three zones require of all actors a flexible approach to the planning and implementation of international assistance. The United Nations agencies continue their presence through humanitarian relief and, where possible, rehabilitation and recovery programmes, operating within their mandates with the assistance of the Somali community, clearly demonstrating that the United Nations remains committed to peace, relief and rehabilitation in Somalia.

30. There was no major humanitarian crisis in 1996 but daily life for the average Somali person continued to be very difficult, especially in the southern half of the country. Crop failure due to lack of rain or to flooding in some areas, combined with low purchasing power due to unemployment and high prices, has overstrained the traditional coping mechanisms of the most vulnerable groups. The difficulty of access to many of those areas due to security and logistical constraints led the United Nations agencies and non-governmental organizations to undertake more operations of a joint nature, targeting specific vulnerable pockets within southern Somalia. At the same time, some areas in northern Somalia made significant gains in building and strengthening local governance structures. The United Nations agencies and non-governmental organizations worked with those authorities and local communities, strengthening their capacity in the area of social services, minor infrastructure and in some cases revenue collection and management.

31. Over the past year there have been a number of cases where United Nations personnel and the personnel of non-governmental and other organizations have been killed, wounded, threatened or subjected to kidnapping and extortion. The lack of security for relief and rehabilitation operations has also had a

negative effect upon communities and remains the major impediment to the delivery of assistance to populations in need in Somalia. The entire country is in United Nations Security Phase IV or Phase V. When Security Phase V is implemented, the only operations conducted are those related to emergency or humanitarian relief operations or security matters. Upon implementation of Phase V, internationally recruited staff are required to leave. Hostilities could resume in some areas, notably in the south, if expectations of local reconciliation or fair power-sharing are not met. Military activity at one stage halted relief and recovery operations in the south-western regions of Gedo and portions of Middle Juba. Regional police structures exist, but are extremely weak, and landmines continue to pose a threat to daily life as well as to the United Nations humanitarian and rehabilitation operations.

32. During the period under review, the continued absence of a peaceful settlement has led to disturbing violations of humanitarian law and human rights. The indiscriminate use of force and the killing of civilians, mostly non-combatants, continued mainly in Mogadishu. Summary executions are reportedly taking place in the country. This continues to swell the number of internally displaced persons. The practice of kidnapping and abduction remains common. The United Nations High Commissioner for Human Rights and the independent expert on the situation of human rights in Somalia, appointed pursuant to Commission on Human Rights resolution 1996/57, are seeking to develop an appropriate human rights technical assistance programme for Somalia. They also hope to integrate a human rights dimension into rehabilitation and reconstruction efforts and to place the expertise and services of the expert and of the High Commissioner and the Centre for Human Rights at the disposal of the Somali people.

33. For most of 1996, the humanitarian conditions in Somalia did not improve or worsen significantly. What has improved, however, is the delivery capacity of the United Nations agencies and their non-governmental organization partners. In the north of Somalia, the local communities honoured the stipulation made by United Nations agencies that their proactive support was necessary to achieve certain humanitarian and rehabilitation objectives. They committed their own resources and ensured that the United Nations agencies were able to carry out their activities safely and securely. In many areas of northern Somalia, emerging institutions also served as the foundation for rehabilitation and reconstruction efforts. Community leaders and members have collectively reached the decision to embark upon the enormous task of rebuilding their communities.

34. At the same time, the humanitarian situation in the southern half of Somalia remains extremely fragile. This is mainly due to the continued closure of the Mogadishu seaport and airport. The survival of an important segment of the population, particularly internally displaced persons, women, children and other vulnerable and disadvantaged groups, remains dependent on the provision of relief assistance. The overall nutrition situation in 1996 did not decline significantly, thanks to the commitment of many United Nations agencies and non-governmental organizations. However, the number of admissions in therapeutic feeding centres has not declined but increased in some instances. In southern Somalia, the United Nations agencies continue to adapt their interventions to the local situation and local priorities, learning from past experiences. While funding constraints and security conditions have negatively

affected many programmes, United Nations agencies, non-governmental organizations, and ICRC continue to focus on food supply, assistance in health services, water supply and sanitation, and education. Twenty-five supplementary and therapeutic feeding centres run by UNICEF and Action contre la Faim in Mogadishu continue to support an average of 12,000 children and other vulnerable persons per day.

35. The food security situation is affected by fluctuating increases in prices, decreased food availability on local markets, declining purchasing power of the general population, and ongoing insecurity. One or a combination of these factors exists in many pockets of southern Somalia, and is exacerbated in those areas where crops have failed. Household food security for the most vulnerable populations in several regions of southern Somalia is expected to deteriorate in the first quarter of 1997, particularly following poor rains, flooding and, in some cases, insecurity. Real improvement in food security is not foreseen until the next Gu (July-August) harvest season. Given the political instability and related insecurity, it remains to be seen how far the affected populations can still rely on traditional coping mechanisms. United Nations agencies and non-governmental organizations are not certain how much longer and to what extent they can avert a nutrition disaster if the next Gu rains and harvest are not favourable.

36. In 1996, there were more Somali-led responses to local emergencies, such as the formation, in the north-east and north-west, of local drought task forces which worked with the international community to implement plans of action. In Mogadishu, the local health authority coordinated an intensive measles vaccination campaign supported by UNICEF and non-governmental organizations in the area. Local authorities, community members, elders and religious groups have also been actively involved in local cholera prevention task forces together with the United Nations agencies and non-governmental organizations. As cholera is now thought to be endemic in Somalia, agencies, having learned from four years of experience, have designed specific prevention and control plans with the local communities to ensure water chlorination and to prevent the spread of the disease through social mobilization campaigns on country-wide radio broadcasts, local billboards, flyers and messages delivered through religious leaders.

37. Prompt joint response in the Juba valley during June 1996 halted the movement of populations from the valley towards the Kenyan border. Assistance was targeted to the villages from which people fled to avoid further movement of the population, and a longer-term plan of assistance was agreed upon between United Nations agencies, ICRC and non-governmental organizations operating in the area. Later, United Nations agencies undertook a joint operation to facilitate the voluntary return of 920 internally displaced families from Kismayo to the Jamame district in the Juba valley. During April and May 1996, the Office of the United Nations High Commissioner for Refugees (UNHCR) also facilitated the repatriation of approximately 1,200 persons to the Galcayo area. Plans to resettle families from Yemen and 10,000 refugees from Ethiopia are under way. Local authorities, United Nations agencies and non-governmental organizations are assisting UNHCR to implement projects in the areas of return.

38. The United Nations strategy for rehabilitation and reconstruction efforts in Somalia continues to focus largely on the implementation of sustainable community-based activities in support of local coping mechanisms to bolster self-sufficiency. These activities, particularly in the north-west, have provided the venue for the international community to begin working on the strengthening and promotion of good governance at various levels. United Nations agencies worked with existing local authorities to accomplish realistic rehabilitation goals. Assistance was provided to agricultural areas, such as Jowhar in the Middle Shabelle region, where United Nations agencies and non-governmental organizations have helped to rehabilitate vital irrigation canals, improved rice production through training and supported local farmers through agricultural credit and credit to blacksmiths for the local production of agricultural tools. The Somalia Rural Rehabilitation Programme of the United Nations Development Programme continues to implement a wide range of community-based multisectoral activities. Success in the rehabilitation of Somalia's air- and seaports through United Nations agency and bilateral support has also reinforced sustainable measures for revenue collection and accountable, transparent management - a key element of good governance.

39. Despite such progress, the response from the international community to United Nations appeals for assistance to Somalia has diminished considerably, to the point where the total amount contributed is well below what is needed. In February 1996, an Inter-Agency Standing Committee mission concluded that United Nations and non-governmental organization operations are viable and should continue in Somalia under an improved coordinated strategy and cost-effective framework. Operating on reduced budgets (and hence curtailed programmes), United Nations agencies have developed new ways of operating. Taking into consideration the overall needs of the country, the expected core resources of the United Nations agencies and the unique operating environment, the United Nations, together with non-governmental organizations spent the latter half of 1996 developing a joint strategy for efficient and targeted assistance in four main areas: emergencies, reintegration, rehabilitation and governance. This strategy was outlined in the 1996-1997 United Nations Consolidated Inter-Agency Appeal for Somalia, launched in December 1996, which requested $46.5 million for joint programmes of the United Nations system. A further $54 million was requested by individual United Nations agencies to implement their own projects and programmes. In the appeal, the agencies adopted an area-based approach for planning and implementing United Nations activities in Somalia. To improve cost-effectiveness and eliminate redundancies, three of the joint projects contained in the appeal provide common operational support services for the agencies and their partners in the areas of security, logistics and inter-agency coordination.

40. Provided the appeal is adequately funded, the United Nations agencies and their partners are confident that they have the means to address emerging humanitarian relief situations. There is also a growing conviction that more assistance can be delivered in the zones of recovery, particularly in the northern parts of the country. The United Nations joint programme on governance provides for a comprehensive strategy addressing administrative structures at the regional level, as well as support to the national reconciliation process to be undertaken by the United Nations Political Office for Somalia and the building of governance structures at the community level. In the strategy of

the joint appeal, the programmes in the areas of emergencies, reintegration and rehabilitation will provide incremental assistance to emerging Somali governance structures. I urge donors to fund the United Nations agencies' projects and those joint programmes, which include new initiatives in the zones of transition designed to move them from a potential state of emergency firmly into a stage of recovery.

IV. OBSERVATIONS

41. In requesting the present report, the Security Council requested me to consult with countries in the region and to submit recommendations on the role that, within its mandate, the United Nations could play in support of regional efforts for peace. As the preceding sections of this report have shown, United Nations efforts have continued throughout the reporting period in the form of (a) the good offices of the Secretary-General; (b) UNPOS facilitation of mediation efforts; (c) cooperation with regional organizations and neighbouring States; (d) periodic reviews by the Security Council; (e) humanitarian relief and rehabilitation assistance; and (f) efforts to improve respect for human rights. All of these will continue.

42. The regional actors have provided a clear message about the kind of support they would wish from the United Nations. In their solemn declaration at Sodere, Somali leaders made the following appeal: "... the rebuilding of Somalia is of such a magnitude as to call for massive international aid in support of reconciliation, rehabilitation and reconstruction. We therefore appeal to the international community to continue to provide the necessary assistance while expressing our gratitude to all donor countries for extending humanitarian relief aid to our people". The signatories also expressed their gratitude to the United Nations and other organizations "for their continuing promotion of peace and reconciliation in our country". The Nairobi declaration contained a similar appeal.

43. The regional States and organizations spearheading the search for peace have also indicated the kind of support they would wish from the United Nations. When I discussed Somalia with Secretary-General Salim in New York on 16 January 1997, he urged United Nations support for the Nairobi and Sodere processes. The Government of Ethiopia, which has been given a mandate on Somalia by both OAU and IGAD, and the Government of Kenya as Chairman of IGAD, have also provided clear indications of how they think the United Nations can assist. In a joint letter dated 31 January 1997 (see annex II), replying to my request for their views and suggestions, the two Governments stated: "the most critical support that the United Nations can provide for the regional efforts for peace in Somalia is through exerting the necessary pressure on Somali factions and groups to show greater commitment to national reconciliation. At the same time, the United Nations and in particular the Security Council have an important role to play in making sure that all efforts for peace and national reconciliation in Somalia should be pursued not with a further proliferation of initiatives, but by building on the positive achievements that have been made thus far." They also felt that United Nations rehabilitation assistance should be given in a well-calibrated manner to strengthen constituencies for peace. Regarding the Sodere declarations, they stressed: "what has been achieved at Sodere under the auspices of the IGAD countries is sufficiently inclusive to

merit the full support of the United Nations". They further pointed out that the United Nations should continue to encourage all States to observe fully their obligations related to the arms embargo under Security Council resolution 733 (1992).

44. In the light of these clear indications of the help which the regional actors would like to receive from the United Nations, the Security Council may wish to consider the options discussed below.

A. Enhanced relief and rehabilitation assistance

45. The United Nations is already undertaking, and will continue to undertake efforts in the fields of relief and rehabilitation. If these efforts are to be expanded, it will be necessary for Member States to contribute more generously than they have in the recent past. The United Nations appealed in December 1996 for $46.5 million for joint programmes of the United Nations system and a further $54 million for individual United Nations agencies. The Security Council could make an insistent call on Member States to contribute more generously to these appeals.

B. Securing the cooperation of all Somali factions

46. The Security Council could call upon all the Somali parties to cooperate with the efforts of OAU and IGAD and serve notice that it recognizes the will of the Somalis represented by those who signed the Sodere and Nairobi declarations and that it will not tolerate any faction's non-cooperation with those who are striving to put those declarations into effect.

C. Joint fact-finding mission

47. It will be recalled that, following an earlier review by the Security Council, my predecessor discussed with the Secretary-General of OAU the idea of sending a joint fact-finding mission to examine what more could be done to help the people of Somalia restore peace in their country. Significant progress has since been made on the political front, thanks to the peacemaking efforts of neighbouring States, and it is not evident that a joint fact-finding mission could at this time add significantly to their efforts. However, should the regional actors indicate at some stage that such a joint fact-finding mission would be useful, the Security Council could reactivate this idea at a later stage.

D. Designation of a Special Envoy of the Secretary-General

48. Should the regional actors consider it desirable, I would be ready to designate a high-level Special Envoy for Somalia, whose mission would be to liaise with them in order to support their peacemaking efforts. This function will meanwhile continue to be entrusted to UNPOS.

E. Observance of the arms embargo

49. The Security Council may wish, as suggested by the Governments of Ethiopia and Kenya, to urge all States to observe fully their obligations related to the arms embargo under resolution 733 (1992).

F. Financial assistance for regional peacemaking efforts

50. The efforts that culminated in the Nairobi and Sodere declarations, particularly the latter, have entailed significant costs for the host Governments. The implementation of those declarations, particularly again those of Sodere, will entail significant further costs for them and others. Should the Governments so wish, the Security Council could request the Secretary-General to establish a trust fund and could call upon Member States to contribute to it.

51. It remains my view and, I believe, that of the Security Council that the best hopes for restoring peace to Somalia lie in the negotiation of a political settlement entrusting power to a broad-based Government in which all the principal factions will be represented. It is a matter of regret that not all factions were involved in the Nairobi and Sodere processes. But this should not be allowed to obscure the fact that significant progress has recently been made by the regional actors and that their efforts are worthy of the full support of the international community. The onus is now on those who chose not to join in the negotiation of the Nairobi and Sodere declarations. It will be their responsibility if the people of Somalia continue to suffer. The people of Somalia should know that the international community will continue to support the efforts of those who are prepared to work towards a new and peaceful political order in Somalia.

Annex I

Press statement on Somalia

The Somali leaders met from 9 to 15 October 1996 in Nairobi, at the invitation of His Excellency Daniel T. arap Moi, President of the Republic of Kenya, in his continuous search for peace, tranquillity and reconciliation in Somalia. The President in his opening speech appealed to the leaders to consider that for the last six years Somalia has had no internationally recognized Government and that there has been a lot of suffering by the Somali people, especially women and children. He termed the presence of the Somali leaders in Nairobi as signifying the intent and seriousness they attached to seeking peace, reconciliation and a lasting settlement of the Somali problem.

Having had extensive discussions and exchange of views and desirous of a lasting peace and bolstering tranquillity in Somalia, the Somali leaders came to the following understanding:

- That President Daniel T. arap Moi has encouraged the Somali leaders to open lines of communication and that they are now talking amongst themselves.

- Declared a cessation of hostilities including media propaganda with immediate effect.

- To allow free movement of people in the capital Mogadishu and remove all roadblocks leading from one region to another.

- To facilitate humanitarian delivery of aid to the people of Somalia.

- Pledged to continue dialogue in Somalia for a peace process and to preserve the unity, sovereignty and the territorial integrity of Somalia.

- Urged President Daniel T. arap Moi to continue mediating and asked him to resist any foreign destabilization and interference in the internal affairs of Somalia.

- The Somali leaders gratefully acknowledge the active role President Daniel T. arap Moi continues to play in promoting the peace process and reconciliation in Somalia in conjunction with the leaders of the East African subregion (IGAD).

- They strongly reject any attempt to initiate bilateral negotiations that may detract or divert attention from or undermine the Somali peace process.

- The international community is called upon to enhance their support for this effort.

The Somali leaders and their delegations expressed their deep gratitude and appreciation for the brotherly concern that President Daniel T. arap Moi has shown towards the people of Somalia, the gracious hospitality that the Somali delegations have received in the Kenyan capital and the kind treatment accorded to the Somali refugees in Kenya.

Annex II

Letter dated 31 January 1997 from the representatives of Ethiopia and Kenya to the United Nations addressed to the Under-Secretary-General for Political Affairs

We have the honour to refer to your letters dated 23 January 1997 requesting the views and suggestions of our respective Governments on how the United Nations can support regional efforts for peace in Somalia.

In this regard, we have further the honour to convey to you the following views and suggestions of our two Governments.

Member States of the Intergovernmental Authority on Development (IGAD) at their last summit, held in Djibouti on 25 and 26 November 1996, established guidelines for the efforts that they would be making for peace in Somalia. It was also their hope that these guidelines would be deemed useful by the international community, most particularly by the United Nations, as it continues to make its contribution for peace in Somalia.

These guidelines are the following:

1. The search for peace and for national reconciliation is primarily the responsibility of the Somalis and that the role of others, including the IGAD countries, OAU and the United Nations, is to assist this effort and to render concrete assistance for the implementation of agreements concluded by the Somalis.

2. The need for agreements among the Somalis on national reconciliation and on the establishment of a central authority and, eventually, of a Government, to be as all-inclusive as possible. In this regard, it was emphasized that, while it might not always be possible to bring on board all factions during the initial phase of an agreement on steps towards national reconciliation, it would always be vital to provide for the eventual inclusion in the process of all factions and groups. It should be noted that the Sodere initiative has given the required consideration to this guideline.

3. The need for close coordination, not only among the IGAD countries, but also among all those who are working for peace in Somalia.

The importance of this guideline cannot be overemphasized considering that a number of opportunities have been lost in Somalia since 1993 because of various parties working at cross purposes, mostly inadvertently.

This should not be allowed to continue. It should be stated quite frankly that for quite some time, from 1993 to 1995, the coordination and cooperation between the IGAD countries and OAU, on one hand, and the United Nations, on the other, on the question of Somalia have been inadequate. We already detect some change for the better in this regard. It is our hope that this will be strengthened even further in the future. The present request itself

demonstrates how much matters are changing in a positive direction and we are confident that by speaking with one voice we can make a difference in Somalia.

Accordingly, we wish to reiterate that the most critical support that the United Nations can provide for the regional efforts for peace in Somalia is through exerting the necessary pressure on Somali factions and groups to show greater commitment to national reconciliation. At the same time, the United Nations and in particular the Security Council have an important role to play in making sure that all efforts for peace and national reconciliation in Somalia should be pursued not with a further proliferation of initiatives, but by building on the positive achievements that have been made thus far.

It is our view that since the Sodere declaration of 3 January 1997 and the Nairobi agreement of October 1996 provide a solid basis for making a breakthrough for peace in Somalia, a clear message by all concerned, including by the United Nations, to all Somali factions that they should get on board is bound to eventually create the necessary momentum for peace in Somalia.

4. We feel that United Nations assistance for the rehabilitation of Somalia in a well calibrated manner with a clear goal of strengthening constituencies for peace in the country is one of the most critical areas of support that the United Nations can provide for the regional effort for peace in Somalia. This constitutes the fourth guideline underscored by the IGAD heads of State and Government. If United Nations assistance is directed towards facilitating the peace process and to expanding the constituencies for peace in the country, here too, there is a need for close coordination between the IGAD countries and the United Nations.

It is our considered view that if we continue with our efforts for peace in Somalia on the basis of the guidelines outlined above, we might create the necessary conditions for a breakthrough in Somalia.

We wish to emphasize that what has been achieved at Sodere under the auspices of the IGAD countries is sufficiently inclusive to merit the full support of the United Nations. In this context, it needs to be emphasized that Ethiopia, with a mandate both from OAU and IGAD to follow developments in Somalia, and Kenya, as current chairman of IGAD, are working in close consultation as provided for by the decision of the IGAD summit in Djibouti. It is therefore essential that the United Nations plays a catalytic role in ensuring that there is effective international support for the regional effort for peace in Somalia. The supportive role that the United Nations can play can have both political and economic dimensions. The political support revolves around the creation of a consensus on the need to ensure the success of the regional process. The international community should demonstrate its support for the peace process in Somalia by providing the necessary humanitarian and economic assistance, which would serve as an important incentive for national reconciliation in Somalia.

On the question of the arms embargo against Somalia, it is essential that the United Nations should continue to encourage all States to fully observe their obligations under Security Council resolution 733 (1992).

(Signed) Njuguna M. MAHUGU, OGW
Ambassador
Permanent Representative of the Republic
of Kenya to the United Nations

(Signed) Berhanemeskel NEGA
Chargé d'affaires, a.i. of
the Federal Democratic Republic
of Ethiopia to the United Nations

UNITED NATIONS **S**

Security Council

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S/1997/136
18 February 1997

ORIGINAL: ENGLISH

LETTER DATED 18 FEBRUARY 1997 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to the mission of the joint United Nations/Organization of African Unity Special Representative for the Great Lakes region, Mr. Mohammed Sahnoun, who is currently in Kinshasa.

Mr. Sahnoun is at present working on a five-point peace plan, which is based on your statement (S/PRST/1997/5) of 7 February 1997 and which he hopes will be accepted by all parties.

The points are as follows:

(1) immediate cessation of hostilities;

(2) withdrawal of all external forces, including mercenaries;

(3) reaffirmation of respect for the national sovereignty and the territorial integrity of Zaire and other States of the Great Lakes region;

(4) protection and security for all refugees and displaced persons and facilitation of access to humanitarian assistance;

(5) rapid and peaceful settlement of the crisis through dialogue, the electoral process and the convening of an international conference on peace, security and development in the Great Lakes region.

As you know, numerous initiatives are currently under way to restore peace in eastern Zaire. The Foreign Ministers of Kenya, South Africa and Tanzania are in Kinshasa. The Foreign Ministers of Cameroon, Congo and Zimbabwe are arriving there today, as is the Secretary-General of the OAU, Mr. Salim Salim.

It would greatly assist the efforts of the joint United Nations/Organization of African Unity Special Representative if consideration were to be given by the Security Council, on an urgent basis, to an appropriate acknowledgement and support of his initiative.

I should be grateful if you could bring this letter to the attention of the members of the Security Council.

(Signed) Kofi ANNAN

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Security Council

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S/1997/137
18 February 1997

ORIGINAL: ENGLISH

Draft resolution

The Security Council,

Gravely concerned at the deteriorating situation in the Great Lakes region, in particular eastern Zaire, and expressing serious concern over the safety of refugees and displaced persons whose lives are in danger,

Welcoming the letter dated 18 February 1997 from the Secretary-General to the President of the Council (S/1997/136) regarding progress in the efforts to resolve the crisis in the Great Lakes region,

Reaffirming the Statement by the President of the Council of 7 February 1997 (S/PRST/1997/5),

Reaffirming also the obligation to respect national sovereignty and territorial integrity of the States of the Great Lakes region and the need for the States of the region to refrain from any interference in each other's internal affairs,

Underlining the obligation of all concerned to respect strictly the relevant provisions of international humanitarian law,

Reiterating its support for the joint United Nations/Organization of African Unity Special Representative for the Great Lakes region in the fulfilment of his mandate, and underlining the need for all Governments in the region and the parties concerned to cooperate fully with the mission of the Special Representative,

1. Endorses the following five-point peace plan for eastern Zaire, as set out in the letter from the Secretary-General of 18 February 1997:

- Immediate cessation of hostilities;

- Withdrawal of all external forces, including mercenaries;

- Reaffirmation of respect for the national sovereignty and the territorial integrity of Zaire and other States of the Great Lakes region;

- Protection and security for all refugees and displaced persons and facilitation of access to humanitarian assistance;

- Rapid and peaceful settlement of the crisis through dialogue, the electoral process and the convening of an international conference on peace, security and development in the Great Lakes region;

2. Calls on all Governments and parties concerned to cooperate with the joint United Nations/Organization of African Unity Special Representative for the Great Lakes region to achieve lasting peace in the region;

3. Decides to remain actively seized of the matter.

UNITED NATIONS **S**

Security Council

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S/1997/138
18 February 1997
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 16 FEBRUARY 1997 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF ZAIRE TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you the communiqué issued by the Government of Zaire in Kinshasa following the statement made by the Spokesman for the Secretary-General of the United Nations after the conclusion of the latter's discussions with you and the five permanent members of the Security Council on the situation of the refugees near Tingi-Tingi in Zairian territory.

I have been instructed to draw your attention and that of all members of the Council to point III in my Government's communiqué, while requesting you to accede to the requests made therein.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Lukabu Khabouji N'ZAJI
Minister Plenipotentiary
Deputy Permanent Representative
Chargé d'Affaires a.i.

97-04232 (E) 180297 180297

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Annex

Communiqué of the Government of Zaire issued in Kinshasa on 16 February 1997

I. The Government of Zaire has noted with astonishment the communiqué issued by the Spokesman for the Secretary-General of the United Nations regarding the refugees located at Tingi-Tingi, and in particular of:

(1) The appeal he made "to the parties to stop turning the refugee camp into an armed base and to ensure the safety and security of all refugees and humanitarian personnel";

(2) The hope he expressed "that leaders in the region will prevail on the protagonists to the conflict to accept a ceasefire and allow time for negotiations to resume".

II. The Government of Zaire wishes to make the following clarifications:

(1) The strategy of those committing aggression against Zaire, namely Rwanda, Uganda and Burundi, consists in exporting the Tutsi-Hutu inter-ethnic conflict into Zairian territory and exterminating the Hutu refugees on Zairian soil on the grounds that they committed genocide;

(2) This is the explanation not only for the attacks by the regular armies of those countries against the refugee camps in North Kivu and South Kivu in Zairian territory, but also for the mass graves discovered at:

- Mugungu near Katindo at Goma: 3,000 bodies;
- Katale, on the Rutshuru road: 500 bodies;
- Chimanga, near Walungu: 500 bodies;
- Kashusa, near Kabare: 600 bodies;
- Kahindo, on the Ratshuru road: 100 bodies;

(3) To date the international community, through the United Nations and particularly the Office of the United Nations High Commissioner for Refugees, whose functions include international protection of refugees, has reacted neither to the attacks directed against the refugee camps by the regular armies of Rwanda and Uganda, nor to the issue of the mass graves, nor to the systematic extermination of Hutu refugees which is currently common knowledge (see the newspaper "De Standaard" of 8-9 February 1997);

(4) Since the attacking of the refugee camps and the refusal to deploy the multinational force, the Government of Zaire has no longer been accepting in its territory either the re-establishment of former refugee camps or the establishment of new refugee camps.

Thus there is no refugee encampment at Tingi-Tingi, but rather a concentration of refugees, displaced persons and members of the affected civilian population fleeing the war.

With regard to the militarization of this encampment referred to by the Spokesman for the Secretary-General of the United Nations, the Government of Zaire states that it is not recruiting former Rwandan soldiers or other militia members, and that it would not be capable of militarizing the wandering refugees or former soldiers and militia scattered throughout the countryside following the attacks on their camps;

(5) The Government of Zaire wishes to recall that if there are still Rwandan refugees and former Rwandan soldiers and militia on Zairian soil, that is on the one hand because the United Nations was unwilling to move the former members of the Rwandan armed forces and militia to Kongolo in Shaba, Lukandu in Maniema and Irebu in Equateur, as the Zairian Government had requested it to do at the time, and on the other hand because the United Nations was not in a position to secure the application of and respect for Security Council resolution 1080 (1996) of 15 November 1996 on the deployment of the multinational force which was to establish the security of the humanitarian corridors for the return of all the refugees to their homes;

(6) The Government of Zaire, which is no longer making henceforth any distinction between civilian refugees, members of the former Rwandan armed forces and Interahamwe militia, is moreover astonished to note that the statement by the Spokesman for the Secretary-General concerns itself only with the safety and security of refugees and humanitarian personnel, and not with the fate of the Zairian displaced persons and the afflicted populations.

This discriminatory treatment is incompatible with the missions of the United Nations in general and of the Office of the United Nations High Commissioner for Refugees in particular;

(7) The experience drawn from the wars of invasion in the Great Lakes region shows that calling for a ceasefire on the part of unidentified protagonists generally tends to legitimize aggression and transform a war of invasion into a civil war with a view to destabilizing the political regime in question from inside.

It is for this reason that the Government of Zaire cannot accept a ceasefire between unidentified protagonists at a time when the aggression that is being conducted against Zaire is now common knowledge, in that a number of States in the world, including members of the Security Council, have proof of that aggression.

The problem posed here is to draw all the consequences from that aggression;

(8) Any ceasefire between the Government of Zaire and the regular armies of Uganda, Rwanda and Burundi must be accompanied by the immediate withdrawal of all foreign troops, as requested in the statement by the President of the the Security Council of 7 February 1997 (see S/PRST/1997/5).

The Government of Zaire also deplores the fact that, to date, Uganda and Rwanda have not responded to the statement by the President of the Security Council inviting them to withdraw their troops from Zairian territory. The Government notes, on the contrary, that these countries are continuing their aggression.

(9) The Government of Zaire considers that the statement by the Spokesman for the Secretary-General of 14 February 1997 is in contradiction to the statement of the President of the Security Council referred to above;

(10) Calling on unidentified protagonists to institute a ceasefire which will allow "time for negotiations to resume" supposes that negotiations had previously taken place.

The Government of Zaire is not a party to any negotiations and has to date initiated none with any party whatsoever, and reaffirms that its national sovereignty, its territorial integrity, the inviolability of its borders and the problem of nationality, which are problems of domestic politics, cannot be subject to any outside interference and are not negotiable;

(11) The Government of Zaire invites the international community to note that the statement by the Spokesman for the Secretary-General of the United Nations gave rise to an ultimatum which demonstrates that the alleged Zairian rebellion is in fact no more than a group of Tutsi underlings pursuing a policy of extermination of the Hutu refugees on Zairian soil.

III. The Government of Zaire consequently requests the Security Council:

- To meet urgently in order to examine its complaint against Uganda and Rwanda in the light of all the information available to it, including the report of the Special Representative of the Secretary-General of the United Nations and the Secretary-General of the Organization of African Unity following his visit to the Great Lakes region, in order to take measures capable of putting an end to the aggression perpetrated by these States against Zaire;

- To issue a strong condemnation of the aggression to which Zaire is being subjected;

- To order the withdrawal of the foreign troops from Zairian territory;

- To establish the monitoring mechanisms required for this purpose;

- To take appropriate measures to put an end to the extermination of the Hutu refugees in Zairian territory, in order that Zaire will not in future be held responsible by those very people who are today putting them to death;

- To remove all the Rwandan refugees, including the former members of the Rwandan armed forces and the Interahamwe militia, from Zairian territory.

IV. The Government of Zaire deplores the fact that the Office of the United Nations High Commissioner for Refugees, following the lightning visit by the High Commissioner, Mrs. Sadako Ogata, did not draw the attention of the Secretary-General and the international community to the danger of extermination facing the Rwandan refugees, when the attempt by the aggressor troops to encircle the refugees at Katshungu and Shabunda, in South Kivu, with a view to eliminating them is common knowledge.

The Government is all the more concerned at this attitude in that UNHCR, which is behind the statement by the Spokesman for the Secretary-General, had a few months ago supported the statements reporting the return of all the refugees to their country, whereas today it is yielding to the evidence that there are Rwandan refugees in Zaire.

It is this double standard which is helping to increase the confusion and aggravate the situation of the refugees and displaced persons in eastern Zaire.

For the Government of Zaire

(Signed) Gérard KAMANDA wa KAMANDA
Deputy Prime Minister
Minister for Foreign Affairs

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19 February 1997

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REPORT BY THE SECRETARY-GENERAL CONCERNING THE CREDENTIALS OF THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE SECURITY COUNCIL

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received credentials signed on 13 February 1997 by the Secretary of State of the United States of America stating that Mr. William B. Richardson has been appointed representative of the United States of America on the Security Council.

In the opinion of the Secretary-General, these credentials are in order.

97-04364 (E) 190297 200297

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LETTER DATED 17 FEBRUARY 1997 FROM THE PERMANENT REPRESENTATIVE OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to forward to the attention of the President of the Security Council the decisions on Mostar adopted on 12 February 1997 by officials of the Federation of Bosnia and Herzegovina at a meeting attended by representatives of the Office of the High Representative, the Stabilization Force (SFOR) and the United Nations International Police Task Force (IPTF).

The decisions on Mostar of 12 February 1997 are contained in the annex to the present letter.

May I ask for your kind assistance in circulating the text of the present letter and its annex as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador and Permanent Representative
Special Envoy

97-04334 (E) 190297

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Annex

Decisions on Mostar of 12 February 1997

On 12 February 1997, President Izetbegovic, President Zubak, Co-Chairman Haris Silajdzic, Foreign Minister Prlic, HDZ president Rajic, SDA Vice-president and Prime Minister Bicakcic, Mostar Mayor Prskalo and Deputy Mayor Orucevic met in Sarajevo to address the recent events in Mostar. The meeting was chaired by the Principal Deputy High Representative, Ambassador Steiner. Also present were the Commander of the Stabilization Force (SFOR), General Crouch, Acting Police Commissioner Wasserman and Head of the Office of the High Representative (OHR) South Garrod.

The participants condemned in the strongest terms the outbreak of violence in Mostar and all provocative acts preceding the present crisis. They equally condemned the wave of evictions of Mostar citizens which followed the events of Monday. They deeply deplored the bloodshed and the loss of life of citizens of Mostar. They expressed their condolences to the bereaved, and sympathy to those who were injured.

The participants committed themselves to undertake all efforts to calm down tensions, to overcome the present crisis and to fully implement existing Federation agreements, including the Mostar provisions of the Agreed Measures of the Federation Forum of 3 February. All of the facts must be established. They agreed that the recent acts of violence should not go unpunished and that the perpetrators be brought to justice.

The following decisions were taken:

1. The participants reconfirmed the request to the United Nations International Police Task Force (IPTF) to conduct an independent investigation into the events and to submit a report which should, in particular, identify those individuals responsible for the escalation of violence and the attacks on citizens of Mostar. They took note of the fact that for this purpose IPTF established an independent investigation team on 11 February. Its findings will be submitted to the principals of the major implementation agencies in Bosnia and Herzegovina and to the Contact Group within one week.

2. The participants committed themselves personally to ensure that IPTF will receive all available evidence and that police forces will cooperate fully and in good faith in the conduct of the investigation. Local police shall comply with all demands by the investigation team and will assist IPTF in all stages of the investigations, including by making all persons immediately available for interviews by the investigators. The operational responsibility for the provision of the evidence to IPTF lies with the Mayor and his Deputy.

3. The participants agreed that they would accept and endorse the report by IPTF in full and that they would draw the necessary conclusions from it, in particular the following:

(a) Perpetrators will be arrested and brought to trial;

(b) Office holders, including police suspected of instigating or participating in the violence, will be relieved of their duties and, if found responsible, will be dismissed from their offices.

4. The participants guarantee that all citizens who have been evicted from their homes in the course of the recent events will be enabled to return to their dwellings without delay. The participants will also ensure that all persons responsible for illegal evictions are identified, arrested and prosecuted. All illegal evictions will be stopped. The participants decided that the Cantonal Ministers of Interior would be personally responsible for the implementation of this provision and submit full compliance reports to the head of OHR South by 18 February. The participants stressed their determination to dismiss those policemen from their duties who in the judgment of IPTF do not cooperate in the implementation of this provision in good faith. They requested IPTF to closely monitor the return of evicted citizens to their homes.

5. The participants appealed to IPTF and SFOR to keep an increased presence in Mostar until the situation has further stabilized and full freedom of movement is re-established. They decided that the nightly curfew should remain in place and be reinforced by the police forces of Mostar until IPTF determines that the security situation allows its suspension.

6. The participants reconfirmed their commitment to the UPFM and will instruct the police in Mostar to fully participate in its work with immediate effect, including the proper functioning of the joint headquarters.

7. The participants took note of the fact that the carrying of long-barrelled weapons by the police in Mostar is not authorized by IPTF and that IPTF/SFOR will continue to confiscate these weapons from both police and civilians. The participants instructed the local police to immediately remove these weapons and hand them over to SFOR immediately.

8. The participants reconfirmed their commitment to full freedom of movement in and around Mostar. They decided that existing obstacles to freedom of movement and illegal checkpoints will be immediately removed and that the police forces will, upon the instruction and in cooperation with IPTF and SFOR, have prosecuted those who hinder freedom of movement.

9. The participants deplored inflammatory statements in the media which had aggravated the situation and contributed considerably to the escalation of the crisis in Mostar. They committed themselves to show maximum restraint and to instruct the authorities of Mostar and the Herzegovina Neretva Canton to do likewise. Decisions of the Media Expert Commission of the Provisional Elections Commission on inflammatory statements will be implemented. The participants decided to nominate media liaison officers to IPTF in Mostar who should disseminate, on a regular basis and as appropriate, reliable information to the media on the security situation in the city.

10. The Principal Deputy High Representative drew the attention of the participants to the request of the Presidency of the European Union (EU) and the Steering Board of the Peace Implementation Conference of 21 January 1997 to the Office of the High Representative to identify those individuals responsible for

human rights violations and for serious contravention of the letter and the spirit of the Peace Agreement with a view to barring their travel to Europe and overseas. He announced that on the basis of the findings of the IPTF report he would make recommendations to the EU Governments and to the Steering Board members accordingly.

11. The participants agreed to monitor the situation in Mostar closely and to convene a follow-up meeting as soon as the IPTF report is submitted. The participants requested in particular the media covering the Mostar region to carry the text of this agreement in full in their news reporting.

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ORIGINAL: ENGLISH

LETTER DATED 14 FEBRUARY 1997 FROM THE CHAIRMAN OF THE SECURITY COUNCIL COMMITTEE ESTABLISHED BY RESOLUTION 661 (1990) CONCERNING THE SITUATION BETWEEN IRAQ AND KUWAIT ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith for the attention of the members of the Council the report of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait pursuant to paragraph 6, subparagraph (f), of the guidelines to facilitate full international implementation of paragraphs 24, 25 and 27 of Security Council resolution 687 (1991).

The report was approved by the Committee on 14 February 1997.

(Signed) António MONTEIRO
Chairman
Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait

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Annex

Report of the Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait pursuant to paragraph 6, subparagraph (f), of the guidelines to facilitate full international implementation of paragraphs 24, 25 and 27 of Security Council resolution 687 (1991)

1. The present report is submitted by the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait, in accordance with paragraph 6, subparagraph (f), of the guidelines to facilitate full international implementation of paragraphs 24, 25 and 27 of Security Council resolution 687 (1991) of 3 April 1991 approved by Security Council resolution 700 (1991) of 17 June 1991 (S/22660, annex).

2. Under paragraph 6, subparagraph (f), of the guidelines, the Committee is required to report at 90-day intervals to the Security Council on the implementation of the arms and related sanctions against Iraq contained in the relevant resolutions of the Council. The present report is the twenty-third submitted under the above-mentioned guidelines. The preceding reports were submitted on 13 September (S/23036) and 10 December 1991 (S/23279), 12 March (S/23708), 11 June (S/24083), 8 September (S/24545) and 4 December 1992 (S/24912), 19 March (S/25442), 7 June (S/25930), 7 September (S/26430) and 14 December 1993 (S/26874), 4 March (S/1994/274), 6 June (S/1994/695), 2 September (S/1994/1027) and 29 November 1994 (S/1994/1367), 1 March (S/1995/169), 30 May (S/1995/442), 25 August (S/1995/744) and 27 November 1995 (S/1995/992) and 21 February (S/1996/127), 20 May (S/1996/361), 20 August (S/1996/676) and 18 November 1996 (S/1996/950).

3. By paragraph 12 of the guidelines, all States are requested to report to the Committee any information that may have come to their attention relating to possible violations of the arms and related sanctions against Iraq committed by other States or foreign nationals. During the period under review, no information as requested has been brought to the attention of the Committee.

4. In accordance with paragraphs 13 and 15 of the guidelines, all States and international organizations are required to consult the Committee on the question of whether certain items fall within the provisions of paragraph 24 of resolution 687 (1991), as well as in cases relating to dual-use or multiple-use items, that is, items meant for civilian use but with potential for diversion or conversion to military use. During the period covered by the report, the Committee secretariat has consulted the United Nations Special Commission on arrangements relating to the implementation of Security Council resolution 1051 (1996) of 27 March 1996 by which the Council established the export/import mechanism.

5. By paragraph 14 of the guidelines, international organizations are requested to provide the Committee with any relevant information that may come to their attention. During the period under review, no information as requested by paragraph 14 of the guidelines has been received by the Committee.

6. The Committee will continue its efforts to fulfil the mandate entrusted to it. Since the last report of the Secretary-General, dated 4 December 1991 (S/22884/Add.22), no further communications have been received from Member States pursuant to paragraph 4 of Security Council resolution 700 (1991).